

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BECKY L. KIRK,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

CASE NO. C07-5129 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION REMANDING  
FOR FURTHER ADMINISTRATIVE  
PROCEEDINGS

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that the decision of the Commissioner determining Ms. Kirk to not be entitled to disability benefits be remanded to the Commissioner for further administrative proceedings with another Administrative Law Judge (ALJ) assigned to the matter. The Commissioner has not filed an objection.


The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The ALJ erred as described in the report;
- (3) The matter is therefore REMANDED to the administration for further consideration as directed in the report; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's counsel  
2 and Magistrate Judge J. Kelley Arnold.

3 DATED this 21<sup>st</sup> day of December, 2007.

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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE